

FARMINGTON CITY COUNCIL MEETING
December 6, 2011

WORK SESSION

Present: Council Members John Bilton, Rick Dutson, Cory Ritz, Jim Talbot, and Sid Young, City Manager Dave Millheim, Finance Director Keith Johnson, Community Development Director David Petersen, Associate Planner Christy Alexander, Building Official Eric Miller, City Recorder Holly Gadd and Recording Secretary Cynthia DeCoursey. Council Members elect Nelsen Michaelson and Jim Young were also present, and Mayor Harbertson was excused. Attorney Jody Burnett was also in attendance during the closed session.

Council Member **Rick Dutson** informed those in attendance that the **Mayor** was unable to attend and asked him to conduct the meetings.

Discussion with Scott Harwood of Haws Development

- **Red Barn Lane (Burke Lane) Street Vacation**

Dave Millheim said there has been considerable angst between the Haws Companies and the City regarding building code and compliance issues associated with the Red Barn. A possible solution may be to expand the TMU zone to include the barn parcel or to adjust the OMU boundary lines and add the barn to that zone. **Scott Harwood** (Haws Companies) said they are open to either option—they are more concerned about timing than anything else because they may tie it into a future apartment building project. They have received positive feedback regarding a possible garden/animal/community area use within the TMU zone. The Council expressed concern regarding safety issues, compliance with zoning regulations, and the timing for a final inspection. The City Manager does not want to give Haws an open-ended variance, and he suggested that the Council discuss the issue further in January.

- **Cost of fencing the trail along the railroad**

Dave Millheim pointed out that in the original Development Agreement, the City agreed upon a \$325,000 credit to the Haws Companies with certain conditions for trail improvements, among other things, and the City asked for an accounting of how the funds were spent. A handout from Forsgren Associates which listed the proposed expenses, but the actual invoices were not included. A rail fence was planned along the trail, but it has since been determined that a greater degree of safety is needed because of the railroad tracks. The Haws Companies asked the City to approve a chain link fence and to cover the additional cost (\$9 per square foot for a rail fence; \$14 for chain link). The Council agreed to a chain link fence but asked the Haws Companies to find a way to pay the difference, stating the maximum City credit would stay at \$325,000.

CLOSED SESSION:

Motion: At 6:35 p.m. a motion was made by **Cory Ritz** to go into a closed meeting to discuss strategy as it pertains to litigation with Garbett Homes. The motion was seconded by **Jim Talbot** and approved by Council Members **Bilton, Dutson, Ritz, Talbot** and **Young**.

Sworn Statement

I, Rick Dutson of Farmington City, do hereby affirm that the items discussed in the closed meeting were as stated in the motion to go into closed session and that no other business was conducted while the Council was so convened in a closed meeting.

Rick Dutson, Mayor Pro Tem

Motion: At 7:15 p.m. **Jim Talbot** made a motion to reconvene into an open meeting. The motion was seconded by **Cory Ritz** and approved by Council Members **Bilton, Dutson, Ritz, Talbot** and **Young**.

REGULAR SESSION

Present: Council Members John Bilton, Rick Dutson, Cory Ritz, Jim Talbot, and Sid Young, City Manager Dave Millheim, Community Development Director David Petersen, Associate Planner Christy Alexander, City Engineer Paul Hirst (arrived at 7:50 p.m.), City Recorder Holly Gadd, and Recording Secretary Cynthia DeCoursey. Council Members elect Nelsen Michaelson and Jim Young were also present, and Mayor Harbertson was excused.

CALL TO ORDER:

Roll Call (Opening Comments/Invocation/Pledge of Allegiance)

Council Member **Rick Dutson** began the meeting at 7:15 p.m. and welcomed all who attended, including Youth Council Members **Alexon Tiem, Jaden Paget**, and **Olivia Oldroyd**. **Sid Young** offered the opening prayer, and the Pledge of Allegiance was led by local Boy Scout **Parker Nash**.

Update on wind storm cleanup efforts

Rick Dutson said the public response to the first wind storm and to the clean up prior to the second storm was amazing. He thanked City staff and residents for their efforts. **Dave Millheim** said he will receive a report from each Department Head which will provide information regarding which things that were done well and things that could have been better. He believes the clean-up effort would have taken at least four months if the residents had not assisted. The City is estimating that there was \$8 million in damage to public infrastructure, trees, and homeowners in Farmington—Park Lane Village, Lagoon, and the Oakridge Golf Course also sustained significant damage. The Sewer District estimates that they currently have a 3-4 year supply of green waste. In an effort to help Oakridge with their massive clean up efforts, the City plans to allow them to dump their waste on a nearby piece of City property, and Oakridge employees will grind it up which will significantly reduce the amount of loads to the Sewer District. He commended Rocky Mountain Power for their efforts concerning the power outages.

Approval of Minutes

Motion: **Sid Young** made a motion to approve the minutes of the November 15, 2011 City Council Mtg. as amended. The motion was seconded by **John Bilton** and approved by Council Members **Bilton, Dutson, Talbot** and **Young**. Council Member **Ritz** abstained because he was absent.

REPORTS OF COMMITTEES/MUNICIPAL OFFICERS:

Executive Summary for Planning Commission held November 10, 2011

The summary was included in the staff report, and there were no further comments.

Introduction of Mali Representatives

There were no representatives from Mali at the meeting.

Presentation by the American Cancer Society – Relay for Life

Representatives from the American Cancer Society—**Shelly Pierce, Wendy Kelly, and David & Kathy Layton**—spoke about the importance of the fight against cancer and said the next Relay for Life event will be held on June 22, 2012 at the Bountiful City Park.

PUBLIC HEARINGS:

Red Barn Lane (Burke Lane) Street Vacation

David Petersen explained that the City entered into an Agreement with the developer in 2008 and agreed to vacate a portion of Burke Lane as a public right-of-way, and this Ordinance accomplishes the requirements of the Agreement.

Public Hearing: **Rick Dutson** opened the public hearing at 7:55 p.m. There were no comments, and the public hearing was closed.

Sid Young pointed out that there are two utilities in that section of Burke Lane—a sewer line and a gas line—and a right-of-way should be provided to them. **Dave Millheim** explained that Red Barn Lane is not being vacated--the public right of way between Station Parkway and the Union Pacific Railroad is being vacated, and all easements of record stay in place as recorded easements. **Sid Young** said he is not sure that the easements are in place, and **Mr. Millheim** suggested that the Council adopt the ordinance subject to obtaining easement of record documents from the two utility companies.

Motion: **Cory Ritz** made a motion to approve the Ordinance vacating Burke Lane (Red Barn Lane) as a public right-of-way between Station Parkway/Burke Lane and the Union Pacific Railroad right-of-way subject to the presentation and recordation of easements to cover any and all public utilities within said right-of-way. The motion was seconded by **Sid Young** and approved by Council Members **Bilton, Dutson, Ritz, Talbot** and **Young**.

100 North Street Vacation

Christy Alexander explained that the City plans to vacate 100 North between 100 and 200 West as a public right-of-way while conveying a portion of that land to Rocky Mountain Power for a small fee in order to expand their substation. Planning Commission approval was granted on April 14, 2011.

Public Hearing: The public hearing was opened at 8:05 p.m. There were no comments, and the public hearing was closed.

Motion: **Jim Talbot** made a motion to table the Ordinance vacating 100 North as a public right-of-way, as more particularly described in Exhibit “A” attached hereto and incorporated herein, until the agreement can be presented and approved at the following meeting. The motion was seconded by **Cory Ritz** and approved by Council Members **Bilton, Dutson, Ritz, Talbot** and **Young**.

PRESENTATION OF PETITIONS AND REQUESTS:

Consideration of Ordinance amending the Farmington City General Plan by incorporating the 2011 Affordable Housing Plan Update

Christy Alexander explained that the City's previous Plan was written in 1998 and is very outdated. In 2009 the City hired a consultant to update the Plan and various meetings were held to offer feedback and assistance. A public open house was held in November 2011, and the Planning Commission recommended approval. Staff feels that the update is a great addition to the General Plan, and they will continue to make additional changes and/or updates. **Rick Dutson** requested that in Section 5.2, bullet point #4 the reference to the Villa Susanna development include an actual address.

Motion: Sid Young made a motion to approve the Ordinance amending the City's General Plan by incorporating the 2011 Affordable Housing Plan update as an element to the General Plan with the adjustment suggested by **Rick Dutson**. The motion was seconded by **John Bilton** and approved by Council Members **Bilton, Dutson, Ritz, Talbot** and **Young**.

Findings:

1. Healthy communities are dependent on the availability of housing at a variety of price points so that critical members of the area's workforce are able to live near their jobs;
2. The City has existing RDA funds available for projects that can incorporate affordable housing;
3. Farmington has resources and ordinances in place that will aid in the achievability of its proposed goals;
4. Farmington City's 1998 Affordable Housing Plan is woefully out of date;
5. The State Legislature enacted House Bill 295 (HB295) in 1996 requiring that all counties and municipalities develop housing plans to meet workforce housing needs.

Farmington Creek Estates III Park Request

Dave Millheim said the City received a letter and petition from residents of Farmington Creek Estates III requesting that the City build a small pocket park on a ¾-acre parcel. The developer planned to deed the parcel to the City and have the HOA maintain the park, but this was never done, and the HOA was never formed. Because a large regional park is planned just to the north of this parcel, staff's recommendation is that the City does not participate in the construction of this park.

Ben Barrus, 872 South Country Lane, asked if the City would be willing to install sprinklers and grass if the residents maintained it. The Council responded that the City's park funds are limited. They suggested that the residents form an HOA and fund the park themselves or sell the parcel as a development lot.

Pedestrian Crosswalk on Clark Lane at Station Park

The Police Chief worked with the City's traffic engineer to determine the placement of two crosswalks on Clark Lane. This will address pedestrian safety issues in the area near Station Park and the Davis County Justice complex. **Sid Young** suggested relocating the UTA bus stop to this area.

Motion: Jim Talbot made a motion to approve two pedestrian crosswalks on Clark Lane at Station Park using funds from Account 38-400-348 with the understanding that Center Cal will pay half (\$5,600) of the \$11,200 cost. The motion was seconded by **John Bilton** and approved by Council Members **Bilton, Dutson, Ritz, Talbot** and **Young**.

Jerry & Becky Wood Lot Line Adjustments

David Petersen referred to the background information included in the staff report and said staff is recommending approval of this request.

Motion: Sid Young made a motion to approve the proposed lot line adjustments and authorize the Mayor to sign the enclosed Notice of Approval of Boundary Adjustment form (subject to the applicant's providing the legal descriptions) combining the remaining portion of parcel 07-056-0097 with parcel 07-056-0028. The action must take place within six months of signing the form or the approval is not granted. **Jim Talbot** seconded the motion which was approved by Council Members **Bilton, Dutson, Ritz, Talbot** and **Young**.

SUMMARY ACTION:

Minute Motion Approving Summary Action List

1. Ratification of Approvals of Construction & Storm Water Bonds
2. Lot Line Adjustment Request for Farmington Creek Estates Phase III – Darin Kimoto
3. Generator Bids for City Hall

Motion: John Bilton made a motion to approve #1 and #3 and to table #2. **Jim Talbot** seconded the motion which was approved by Council Members **Bilton, Dutson, Ritz, Talbot** and **Young**.

CONSIDERATION OF ORDINANCES/RESOLUTIONS/AGREEMENTS:

Resolution to amend Consolidated Fee Schedule to add Quarterly Deposits/Fees for Professional Services

Dave Millheim explained that the City currently requires a developer to pay a deposit for costs incurred by consultants to review development applications. Because this process may take longer than expected, this quarterly check will allow a developer to better deal with his budget and help the City manage expectations.

Motion: John Bilton made a motion to approve the Resolution amending the consolidated fee schedule requiring deposits and reconciliations each quarter for professional service costs incurred by the City as part of the development application review process. **Cory Ritz** seconded the motion which was approved by Council Members **Bilton, Dutson, Ritz, Talbot** and **Young**.

Update on Alley Rose, Grove, and Lagoon Homes

David Petersen gave a brief update on these homes and said a meeting with UDOT regarding the Alley Rose Home will be held on Wed. Dec. 7, 2011. The architect hired to work on a design for the Lagoon Home has not responded in several weeks which has been frustrating because the City cannot move forward or meet with Lagoon President **Dave Freed** until the design is submitted. The Grove Home is required to be an accessory building for the lot on which it is located, and the City cannot pursue anything until the lot is sold.

GOVERNING BODY REPORTS:

City Manager Report

1. The next City Council meeting will be held on December 20, 2011.

2. There will be a follow-up meeting with stake presidents and/or their authorized emergency response designees on December 13th at 7:00 p.m.
3. Impact Fee Analysis Request – The City received a request from an attorney to explain the impact fees the City imposed on the proposed Hampton Inn project. A year ago the Council offered an incentive to assist with the payment of the fees, but the agreement expired because no action was taken. They requested that the incentive be reinstated, but the City said no. Following an analysis with their attorney, it will be brought to the Council for consideration.
4. A summary of current lawsuits the City is involved with is included in the packet.
5. The Development Agreement Matrix has been updated and is included in the staff report.
6. Spring Creek Estates Phase 6 – Final plat approval was given for Phase 3c in July 2011, but it has not yet been recorded. The developer is now interested in eliminating the approved open space by creating 9 new lots (five lots on Burke Lane and four lots within the subdivision) and adjusting the boundary lines of several existing lots. In order to do this, he must provide to the City comparable compensation. Staff believes that the four lots will be more profitable than the five lots because they will be located on fully improved streets. At the same time, the public will benefit because the development of the five lots will connect Burke Lane to 1875 West. The proposal appears to meet the just compensation criteria listed in the ordinance, and the Council directed the City Manager to proceed with an Agreement between the City and the developer.
7. City employees made an observation that many of the trees lost in the wind storm were located in areas that were severely overwatered, and many trees which had their lower branches removed were destroyed by the wind.
8. The annual employee Christmas lunch will be held at 1:00 p.m. on Thursday, December 15, 2011.

Mayor Harbertson & City Council Reports

Mayor Harbertson will share his comments during the December 20th Council meeting.

Rick Dutson

- He asked how the orientation meeting went and was told that it was successful.
- He attended the Cori Connors concert on Monday evening in the Community Center and reported that it was a great event for the City.
- He expressed concern regarding the City's fee (\$5,000) for a temporary occupancy permit and said it may be too high. **Dave Millheim** said staff will look at the issue as it relates to both residential and commercial temporary occupancy permits.

Jim Talbot

- No comments

Sid Young

- He reported that the large pine tree owned by the Neumann family blew over in the storm. The family plans to use the wood for furniture. He thanked them for their generosity in lighting the tree each Christmas for the community to enjoy and thanked the City for their assistance with the lighting costs over the years.
- He expressed appreciation for the two new crosswalks on Clark Lane.
- He suggested that the new City Council consider green waste containers, and that the cost of the recycling containers be reevaluated on occasion to determine if the \$3.75 rate could be reduced.

Cory Ritz

- He thanked the City Manager for the update on Rocky Mountain Power's efforts during the storm.
- He received a phone call from a resident who was turned away when he attempted to drop off a load of green waste and felt frustrated by the lack of communication.

John Bilton

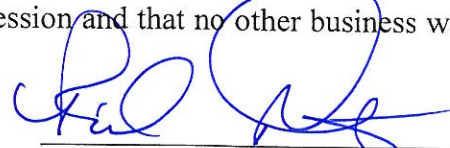
- He asked which easements were involved with **Cal & Diane Ferron's** lot, and **David Petersen** replied that a narrow public utility easement runs between the two lots.

CLOSED SESSION

Motion: At 9:30 p.m. a motion was made by **John Bilton** to go into a closed meeting to discuss the professional competency and character of several individuals. The motion was seconded by **Jim Talbot** and approved by Council Members **Bilton, Dutson, Ritz, Talbot** and **Young**.

Sworn Statement

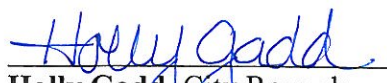
I, Rick Dutson of Farmington City, do hereby affirm that the items discussed in the closed meeting were as stated in the motion to go into closed session and that no other business was conducted while the Council was so convened in a closed meeting.


Rick Dutson, Mayor Pro Tem

Motion: At 10:35 p.m. **John Bilton** made a motion to reconvene into an open meeting. The motion was seconded by **Jim Talbot** and approved by Council Members **Bilton, Dutson, Ritz, Talbot** and **Young**.

ADJOURNMENT:

Motion: **Sid Young** made a motion to adjourn the meeting. The motion was seconded by **Rick Dutson** and approved by Council Members **Bilton, Dutson, Ritz, Talbot** and **Young**. The meeting was adjourned at 10:35 p.m.


Holly Gadd, City Recorder
Farmington City Corporation

